Amendments to Standing Orders.

Mr. K. T. Mathew.—I move that the amendments to Standing Orders be taken up and passed.

President.—You may specify the Nos. of the Standing Orders. That would be more formal.

Mr. P. Kumaran Ezhuthassan.—On a point of order. According to the Agenda after questions and answers item 2 is election.

President.—Thank you very much. As this business has been taken up, may I finish it with the permission of the House? I missed it.

Dr. A. G. Menon.—The President has the power to regulate the agenda.

Mr. K. T. Mathew.—This is about the amendments on which the Select Committee has sent a report and considered by this House yesterday. They are Standing Order No. 4 (2), Standing Order No. 35 and Standing Order No. 37.

Dr. A. G. Menon.—I second it.

Motion put and carried.

Election of Members to the Standing Finance Committee.

Dr. A. R. Menon.—I beg to move that Messrs. Paul Mampilli, M. Krishna Menon and T. K. Nayar be elected as non-official members of the Standing Finance Committee.

Mr. C. A. Ouseph.—I second it.

Dr. A. G. Menon.—There is no dissenting voice. So, they are elected unanimously.

Motion put and carried.

Civil Marriage Bill.

Mr. K. Ayyappan.—I rise to present the report of the Select Committee appointed to consider the Cochin Civil Marriage Bill. I move that the Bill, as amended by the Select Committee, be taken up for consideration.

Mr. P. S. Kesavan Nambudiri.—I second this Bill.

At the first reading of the Bill by referring it to a Select Committee, this House has accepted the main principles and the general provisions of the Bill. Now to reject this Bill on the ground that it is unwanted or unnecessary would be inconsistent with our previous position and would mean that we have simply wasted much of our precious time and public money on this account. Therefore, I appeal to the Hon'ble Members of this House to examine their position very carefully and view their responsibility in this matter.

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Sir, it is a natural right that you may marry any one you love, of course subject to the universal restrictions of consanguinity and affinity. Artificial restrictions based on sentiments of race, colour, religion and caste are also insisted on ; but instances are not wanting where love overrides them all. Though Hindu Sastras praise Brahma as the ideal form of marriage, various other forms, including inter-caste marriages as Anuloma and Prathiloma, are also recognised and a puranic authority is seen in the romantic marriage of Vedavyasa with Sathyavathi. But unfortunately in recent times, the law has become more rigid and more rigorous that marriages between people of different communities have been rendered legally impossible. For instance, if a Christian wants to marry a Hindu or a Muhamadan he cannot do it unless both the parties belong to the same religion by conversion.

Mr. Joseph Pettah.—Question.

Mr. P. S. Kesavan Nambudiri.—As a result we find today so many conversions without, and sometimes against, their religious convictions preparatory to marriages. Such conversions can never be welcomed by any religion. In recent times Hindu religion has suffered to a very great extent owing to this process of conversion for marriage because the rigidity of Hindu customs makes it more difficult for other people to be converted into Hindu religion than for Hindus to be converted to other religions. But thanks to the growth of the Arya Samaj and the starting of the Sudhi Movement that Hinduism is becoming more and more proselytising and the recent conversion of Miss Nancy Miller be an eye opener to those who expect to strengthen their fold by conversion of Hindus. Therefore if this piece of legislation might render marriages no longer the baits for conversion, nobody might feel sorry for the same.

Sir, I hold that this bill is of particular importance for the Hindus of this State. There is no law here corresponding to the Hindu Widow Re-marriage Act of British India. Therefore there is no remedy for a Hindu widow to contract a legal marriage in this State. The provisions of this bill can go a long way to help them. Again, Sir, a large section of the Marumakathayi Hindus of this State, not governed by the Nayar Regulation, are even to-day subjected to an anomalous system of marriage. For instance, take the case of a Warriar or Poduval lady. Suppose she wants to contract a marriage valid in the eyes of law. Is it not a proper and legitimate right? Can the Cochin Code give her any remedy? Is it not one of the fundamental principles of jurisprudence that where there is a right there is a remedy. I want an answer from the Hon'ble Members of this House belonging to legal professions. I hope this

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bill will satisfy all those demands and fill up a long gap in the Cochin statute book.

Then Sir, what is the real objection for this bill? The Hon'ble Member for Muslims says in his dissenting minute that inter-marriage is against Islami law. I don't think that Koran forbids marriage between Muslims and Christians. History says that marital relationship between Hindus and Muslims were the cherished ideals of the mighty Mugul Emperors like Humayun, Akbar and Sha Jahan and by their practical example they had worked for the same.

As regards Christians are concerned, the powerful Christian nations of Europe, like England and France, legalise marriage between Christians and people of other religions and in our neighbourhood of Tellichery and Cannanore we can find many European Christians having marital relations with Hindus.

We are told that the great Chandragupta Mourya had married the daughter of Salukus the Greek and Shivaji the saviour of Hindu religion and culture of medieval India, had married Rosinara the daughter of Aurangazeeb. Thus, Sir, whatever might be said in the various texts of these religions, intermarriage is not unknown in this country and this bill simply seeks to remove the legal impediments in their way.

There is an apprehension in the minds of some of the Hindus that this bill would affect the happy and peaceful life of the Hindu joint families and in his minute of dissent the Hon'ble Member for Vadakkancheri gives expression to that fear. In the case of families subjected to individual partition, this fear is groundless as other members can separate from the undesirable brethren. In the case of undivided joint families the right to joint residence and joint enjoyment is governed by the caste customs also. There is no law here corresponding to the Lex Losi Act of British India. Therefore the important questions whether a marriage under this bill would entail the loss of caste or religion of a particular individual and if so whether he can still enforce the right of joint residence and enjoyment of the family properties along with the other members are governed by the law and customs applicable to the caste or community to which he originally belonged.

Lastly, Sir, we have also to consider that the bill is of a permissive nature. It simply says that a marriage contracted according to these provisions would be valid. If intermarriage is opposed to the tenets of your caste or religion you are quite welcome to discourage it by internal propaganda and even to punish the miscreants by your social weapons and I may also add even by legal sanction. As for instance, if a bill is introduced here which intlicts a punishment on any Nambudiri who

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marries outside his community, I may even support it. But at the same time I must oppose if that marriage is to be invalidated. Let the erring member of your caste or religion be excommunicated or even penalised by legal sanction, but the marriage must be legal and valid so that the innocent wives and children may not suffer being husbandless and fatherless. Therefore, Sir, I support this bill.

Mr. P. Krishna Menon.—Sir, I oppose the motion and to put it under the terms of the Rules governing the procedure, I say that the bill be re-committed under Standing Order 37 para 1 clause (2). My objection to the bill is based upon the ground that no necessity has been made out for the passing of such a Regulation so far as our State is concerned and I think I could not do better than read what I have recorded in my dissenting minute attached to the report of the Select Committee.

Mr. K. T. Mathew.—What is the use of recommittal?

Mr. P. Krishna Menon.—Recommittal without limitation, because you can know more or less what the effect of that recommittal will be.

Mr. A. Sankara Menon.—We don't understand what you mean by recommittal without limitation.

Mr. P. Krishna Menon.—If you don't understand you will have to study the Standing Orders, rules, etc., again. Now, this is what I have said in my dissenting minute:

"The Government of Madras have passed the following order (No. 6607 C. 3 dated 22nd December 1932) on the memorial submitted from Ganjam praying for the appointment of additional marriage registrars in the Madras Presidency under the Special Marriage Act of 1872, at least one for each revenue taluk, to facilitate and thereby promote the voluntary registration of Hindu marriages."

President.—In order to make it clear, do you move this under Standing Order 37 (ii) (a)? That Standing Order says:—"After the presentation of the final report of the Select Committee on a bill the Member in charge may move.....:—

(ii) that the bill be recommitted without limitation." Does it not apply to the Member in charge?

Mr. K. Achyuta Menon.—"If the Member in charge moves that the bill be taken into consideration, any member may move as an amendment that the bill be recommitted." That is clause (2).

President.—It is main clause (2), not sub-clause (ii).

Mr. P. Krishna Menon.—"The petitioners are informed that in addition to the non-official Marriage Registrars appointed in the Districts of Ganjam, East Godavari, Malabar and South Canara, the District Registrar in each district and the joint Sub-Registrar in his absence, have been appointed to function as Marriage Registrars. The Government do not consider that there is sufficient reason for the appointment of additional Marriage Registrars in the Presidency, especially having regard to the fact that the number of marriages performed under the Act for the whole Presidency was only 29 in the year 1931—1932."

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Dr. A. R. Menon.—For the whole Presidency?

Mr. P. Krishna Menon.—For the whole Presidency. "The population of the Presidency according to the latest census is 4,67,40,107 and the marriage rate according to the number noted above is one marriage for a population of 16,11,728. Calculating a 10 per cent increase for every decade, the present population of Cochin may reach 15,14,728 in about half-a-century or so, from date. In other words the necessity for a law of the nature contemplated may arise perhaps half a century hence. This is not a fanciful manipulation of figures is amply borne out by the facts that not a single instance of hardship or obstacle has been brought to our notice even by the mover of the bill. Nay more, it would appear that such contingencies did never exist in this land of ours for, to quote the words of the mover of the bill, Cochin, caste-ridden as it is, neverthelss is a land of inter-marrying communities. I also understand that not a single marriage has yet been solemnised under the Christian Marriage Act in Cochin though it has been in force for the last 10 years or so."

Mr. M. A. Chakko.—Marriages have been solemnised. I was the Registrar and I registered one.

Mr. P. Krishna Menon.—I congratulate you for that. This is the main ground upon which I request the House for the recommittal of the bill. I don't think that I need try to answer some of the grounds raised by the Hon'ble Member for Kattur because I find that his advocacy is based upon the fact that every human being must have the absolute liberty for doing anything that he wants to be done, irrespective of the fact that his act may injure or affect persons concerned in and near about him.

Mr. P. S. Kesavan Nambudiri.—I never said that.

Mr. P. Krishna Menon.—You are here to correct me. At any rate misrepresentation has been made at your very face and that is my explanation and justification. I don't think that is a sound proposition of law. Whether a man wishes to marry against the interests of the community to which he belongs, I don't think that the idea of liberty has gone so much even in this century as to allow him to do it without any restriction. But I must concede that the object of this legislation—the attempted legislation, I may say—is not entirely and solely for the purpose of giving that liberty to the individual who wishes to marry in the way that he likes. But I am affraid that it is only for the purpose of safeguarding his interests to property to which he is entitled. That is certainly a consideration which may be taken up when the bill becomes law or is attempted to be made law. That question may be taken up at that time. It is not necessary that I should say anything about it now. With these words I request that the bill may be recommitted to a Select Committee.

Dr. A. G. Menon.—Re-committal to ascertain what, Sir?

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Mr. P. Krishna Menon.—I appeal to the Rule. I don't know anything more.

Mr. K. T. Mathew.—Recommittal of the bill, that is for the mover.

President.—There is another clause.

Mr. A. Sankara Poduval.—In seconding this motion made by the Member for Vadakkancheri, I wish to say a few words. The bill is as ill-conceived as it is unnecessary. The mover of the bill is like an over-solicitous doctor forcing a recipe upon a patient in spite of his protest that he is not suffering from any ailment. This is a bill affecting social customs, usages and offending religious beliefs and convictions. So far as I am aware there has been no demand from the people at large that a Civil Marriage Bill may be introduced in this State. This is a bill sponsored by a radical reformer, because he thinks society might progress if it be passed into law, and placed on the statute book. Let us read the preamble to this Bill.—

Mr. A. Sankara Menon.—On a point of order. The question is whether the bill is to be recommitted or not. He is speaking on the principles of the bill.

President.—The Hon'ble Member will confine himself to the motion for recommittal.

Mr. K. T. Mathew.—May I know whether the Hon'ble Member is supporting the motion of Mr. P. Krishna Menon?

President.—He is seconding the motion made by the Hon'ble Member for Vadakkancheri. He may give reasons for supporting.

Mr. A. Sankara Poduval.—In the statement of objects and reasons it is stated that "Love knows no distinction of caste, creed or colour. It may therefore be safely relied on to solve, to a great extent, the problem of our social inequalities and differences in a most effective manner". That is to say the principles of socialism might well be—

Mr. K. Ayyappan.—He is opposing the bill. He is not entitled to speak on the bill now.

President.—He is entitled to give reasons for supporting the motion for recommittal.

Mr. A. Sankara Poduval.—This is a very indiscret attempt to introduce the principles of socialism in our society which has been pulling on very well without it. Now the Select Committee changed the preamble as follows "Whereas it is expedient to provide a form of marriage for persons of diverse

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castes and creeds and to legalise certain marriages, the validity of which is doubtful, it is hereby enacted as follows". This amendment works a great deal of hardship. This is an improvement upon the provisions of the original bill which is pregnant with all sorts of complications tending to disorganise society and to corrupt society.

Mr. K. Ayyappan.—On a point of order. The Member, if he opposes the recommittal motion, can oppose the bill. If he supports that motion then he cannot oppose the bill.

President.—My ruling there is, the Hon'ble Member for Vadakkancheri has moved a motion for recommitting the bill. The Hon'ble Member for Trichur supports that motion and he gives us reasons for supporting that motion. Within these bounds he can speak and not beyond that.

Mr. A. Sankara Menon.—In supporting that amendment motion, can the Hon'ble Member argue that the bill should be rejected?

President.—He can only give reasons for recommittal.

Mr. A. Sankara Menon.—That may be made clear.

Mr. A. Sankara Poduval.—Of course when the bill comes I will oppose it. On a point of order, I pray that the President may be pleased to order that the House may not be converted into a class room.

Mr. K. Ayyappan.—Nor is it a regular court.

President.—I shall take care of the President's duties. Please confine yourselves to the reasons for recommittal.

Mr. A. Sankara Poduval.—The reasons for recommittal relate principally to the change in the preamble which, according to me, works a lot of mischief. The Select Committee says that "the bill is only a permissive piece of legislation and by itself it is not likely to tread upon the beliefs and observances of any community. We have therefore decided not to take into account or give effect to the recommendation to drop the measure altogether. We have made a few alterations in the measure which are more or less in the nature of drafting amendments. We have changed the preamble as follows." The report submitted by the Select Committee which has now been presented to the House is defective. It has totally discarded public opinion. It is again incomplete, it refers to the Indian Divorce Act en bloc, regarding the conditions of divorce. It does not exclude any community from its operation, who sought exclusion on religious grounds. If at all, it may be so redrafted so as to be applicable to those committees that ask for such a piece of legislation.

Mr. Joseph Pettah.—Sir, I beg to support the amendment, and I have a special reason for supporting the amendment

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and that is this. There is the recent fact that in Indore a Civil Marriage Bill has been passed recently and on the strength of the representations made by the Catholics of that place, they have been duly exempted from the operation of the bill. Now, I want that this aspect also should be presented to the committee so that it may have their consideration before a final draft of the bill is made.

Now, I don't want to make any sweeping remarks about the bill so far as other communities are concerned, because I am not in a position to say whether they would require it or not or whether there are any defective clauses. My position is that so far as Catholic Christians are concerned, a Civil Marriage Bill is not at all necessary. Not only that, it is not at all necessary and it is also bound to have certain harmful repercussion on the existing systems of marriage in our community. We consider marriage as a sacrament, and this civil marriage which would reduce marriage to a mere contract runs counter, to the ideas of the sacramental conception of a marriage. Therefore, just to be plain in this House, the Catholic church, according to its fundamental tenets, can never recognise a civil marriage by itself.

President.—That is relating to the bill as a whole. You can speak only on the amendment now.

Mr. Joseph Pettah.—No, No, I am just arguing the case for the exemption of Catholics. So far as the Catholic principles are concerned, we are definite on this, that the Civil Marriage can never be regarded as a valid marriage by itself. And there is also the fact of the case that here in Cochin there has been a Christian Marriage Bill for the last ten or twelve years and not a single Catholic marriage has taken place so far.

Now, Hon'ble Members, or some of them, may speak of the liberty of the individual, and they might ask me, 'why not give this sort of liberty to the Catholics also, why should the Catholics be so narrow-minded as to restrict the liberties of the individuals. This has been an oft-repeated objection or an oft-repeated charge against them. I say the Catholics do not put any restriction in the contraction of marriage between individuals, between a Catholic and any other man or woman as the case may be. The only thing is that marriage being a sacrament from the Catholic point of view, must be contracted according to the system prescribed by the Church. The committee may consider this aspect in order to exempt the Catholics.

Mr. P. S. Kesavan Nambudiri.—Are you exempted from the Christian Civil Marriages?

Mr. Joseph Pettah.—No, but we have been trying for its repeal ever since.

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Again, in speaking of the liberty of the individual, even the Hon'ble Member for Kattur was pleased to say that that liberty should be restricted by certain considerations of consanguinity and affinity or certain world-wide considerations or so. What are these world-wide considerations of consanguinity and affinity? What is considered as the best rule by certain communities are considered to be quite contrary by certain other communities, for instance, I know in certain communities a man can marry his sister's daughter. But among the Catholics such a marriage is within the debarred degrees of consanguinity. Where is the general rule, therefore, for consanguinity? Where is the general rule for affinity? You have certain degrees of consanguinity and affinity, and you prevent marriages within those degrees. Is it based on a law universally accepted? Therefore nobody can say that unlimited and unrestricted freedom should be allowed to every individual to have the free course, the unhampered course of this law. Therefore, if the Catholics put some restrictions on the celebration of marriage of the Catholics I think in fairness, in charity at least, the members of the other community would not look upon this as a piece of narrow-minded system prevailing only among the Catholics. We allow marriages between a Catholic and any other man or woman as the case may be. Our only contention is that the marriage being a sacrament according to the Catholic conception, that marriage has to be celebrated according to the Catholic prescription. If this is embodied in the law, or if the Catholics are exempted from the operation of this law, I have no further complaint. This aspect may also be considered by the Select Committee, especially in the light of the recent experience in Indore where they have been quite fair minded in giving exemption to the Catholics. I support the amendment that the bill be recommitted.

Dr. A. R. Menon.—I rise to oppose the recommittal. "Now therefore, the only thing that the bill wants is this, that a man should not be punished for obeying his conscience. Is there anything so objectionable, so unreasonable, so malicious, so revolutionary in this simple principle, that a man should be allowed freedom of conscience?" This was the speech delivered by the great Professor who now pleaded for the recommittal. If freedom of conscience has evaporated in this case he ought not have used such cheap phrases, such as, freedom of conscience and individual liberty. He was repeating the necessity for freedom of conscience. Where is that freedom of conscience now? I think this is not a place to make such irresponsible speeches.

Mr. C. A. Ouseph.—This is most unparliamentary.

President.—That is a personal reflection.

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Mr. K. T. Mathew.—Sir, that is a personal reflection.

Dr. A. R. Menon.—The reason is, therefore, that those who object are insincere to their own words. They have pleaded for freedom of conscience and you know nowhere freedom plays a more important part than in the selection of one's own mate. And on that ground alone, I oppose this amendment.

Mr. C. A. Ouseph.—Sir, I thought a volcano is bursting.

President.—You please confine yourself to the amendment.

Mr. C. A. Ouseph.—Sir, I am for freedom of conscience. The Catholic church is a great organisation which has got a lot of members. They have their own freedom of conscience. They believe that a civil marriage is no marriage at all. And they do not wish that their children should be married civilly. Should not this learned Doctor extend this freedom of conscience to them also?

Mr. K. Mohamed Seethi.—I beg to support this amendment. My chief reason for exempting the Musalman from the operations of this bill, I have already stated in my dissenting minute. My Hon'ble friend, the Member for Kattur, was taking me to task for my "narrow-mindedness" in not supporting the bill in toto.

President.—You can say reasons in support of the amendment. We are now on the amendment. Please confine your remarks to the amendment alone.

Mr. K. Mohamed Seethi.—Very well; my reasons, Sir, are easily stated. The religion of Islam or the Muslim community does not oppose the idea of having intermarriages. Islam has allowed intermarriages among all the different schools of thought in its fold. Even without the Civil Marriage Bill, there is the Muslim Law which allows freedom of marriages between the Shias and Sunnies and all the other sections of Muslims. Besides, marriage between a Muslim man and a non-Muslim woman belonging to the "people of the Book" is also permitted. People of the Book are those who base their religions upon revealed scriptures. Islam only joins issue with those who say that there must be unrestricted freedom of marriage. For one thing Islam does not permit a Muslim woman being given in marriage to a person who does not belong the Islamic law. A non-Muslim is not bound by his faith and obliged to recognise the greatness, veracity, truthfulness and prophethood of Prophet Mohamed. Islam enjoins upon every follower of that religion to recognise all other great teachers. So he who takes a non-Muslim woman in marriage gives her fullest freedom of faith and worship. She has to be

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given absolute freedom of worship and absolute freedom of faith. But that concession is not given to a Muslim woman by a non-Muslim husband. For this reason, the marriage of a Muslim woman by a man who belongs to another religion is not permitted by Islam. To this extent the freedom of intermarriage is restricted. Even without a bill, there is partial freedom of intermarriages according to the Islamic law and this bill, will, to that extent, be a superfluity. To the fullest extent to which the bill asks us to go the community is not prepared to go and for very good reasons. Considering the importance of the measure a reconsideration of the bill will only be useful, if not essential. I, therefore, support the amendment proposed.

മിസ്റ്റർ പി. സി. വക്കി.—ഈ ബിൽ രണ്ടാമതും സിലക്ട് കമ്മിറ്റിയെ ഏല്പിയ്ക്കണമെന്ന ചില മെമ്പർമാർ അഭിപ്രായപ്പെടുകയുണ്ടായല്ലോ. അതിനെ ഞാനും അനുകൂലിക്കുന്നു. കത്തോലിക്കരെ ഇതിൽനിന്നും ഒഴിയ്ക്കണമെന്ന ബഹുമാനപ്പെട്ട അഡ്വർ മെമ്പർ പറഞ്ഞു. ഇതിനുള്ള കാരണം കത്തോലിക്കരെ സംബന്ധിച്ചിടത്തോളം വിവാഹകാര്യത്തിൽ എല്ലാവർക്കും പൂർണ്ണസ്വാതന്ത്ര്യം അനുവദിക്കപ്പെട്ടിട്ടുണ്ടെന്നുള്ളതാണ്. ഒരു കത്തോലിക്കന് ഒരു നായർസ്ത്രീയേയോ ബ്രാഹ്മണസ്ത്രീയേയോ പുലയിയേയോ എന്നുവേണ്ട ഏതുജാതിക്കാരിയായ സ്ത്രീയേയും വിവാഹം ചെയ്യാവുന്നതാണ്. കത്തോലിക്കാസഭയെ സംബന്ധിച്ചിടത്തോളം, ഈ ബില്ലിൽ പറയുന്നതുപോലെ, ഒരു സ്ത്രീയും പുരുഷനുംതമ്മിൽ സ്നേഹിച്ചാൽ. അവർതമ്മിൽ വിവാഹം ചെയ്യാൻ വലിയ തടസ്ഥമൊന്നുമില്ല. വിഭിന്ന മതസ്ഥന്മാർ തമ്മിലുള്ള വിവാഹത്തെ ആ സഭ പ്രോത്സാഹിപ്പിക്കുന്നില്ലെന്ന മാത്രമേയുള്ള. കത്തോലിക്കാസഭയുടെ അനുവാദത്തോടുകൂടി കത്തോലിക്കരും അന്യമതസ്ഥരും തമ്മിൽ വിവാഹം ചെയ്യിട്ടുണ്ടെന്നുള്ളതിനു പല ഉദാഹരണങ്ങളും പറയാനുണ്ട്. ബഹുമാനപ്പെട്ട സർ, ഇമാം ആലി ചന്ദ്രനഗരിയിലെ ഒരു കത്തോലിക്ക വനിതയെയാണ് വിവാഹം ചെയ്തിരുന്നത്. കത്തോലിക്കരും ഹിന്ദുക്കളും തമ്മിൽ വിവാഹം ചെയ്യുന്നതിൽ കത്തോലിക്കർ തടസ്ഥക്കാരല്ല. കത്തോലിക്കാസഭ മനസ്സാക്ഷി സ്വാതന്ത്ര്യത്തെ പൂർണ്ണമായി അനുവദിച്ചു കൊടുക്കുന്നുണ്ട്. ആ സ്ഥിതിക്ക് അവർക്ക് ഏതാദൃശമായ ഒരു നിയമത്തിന്റെ ആവശ്യമില്ല. അവരെ ഇതിൽനിന്നും ഒഴിവാക്കണമെന്നു പറയുന്നതിനു വേറൊരുകാരണം കൂടിയുണ്ട്. വിവാഹം ഒരു Sacrament ആണെന്നാണ് സഭ പഠിപ്പിക്കുന്നത്. അതനുസരിച്ചുള്ള ചട്ടങ്ങൾക്കു വിരോധമായി വിവാഹം ചെയ്യുന്നവരെ Canon Law പ്രകാരം സഭാധികാരികൾ ശിക്ഷിക്കും. സഭാചട്ടങ്ങൾക്കു വിരോധമായി ചെയ്യുന്ന വിവാഹം ഗവർമ്മെണ്ടിൽനിന്നു സാധുകരിച്ചാലും സഭ അതിനെ അംഗീകരിക്കുന്നില്ല.

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അങ്ങിനെ വിവാഹം ചെയ്യുന്നവരെ സഭാഭ്രഷ്ടനായി ശിക്ഷിയ്ക്കാതിരിക്കാനും നിവൃത്തിയില്ല. ഗവമ്മെണ്ടു നിയമപ്രകാരം സിവിൽ വിവാഹം ചെയ്തതനന്തരം സഭാധികാരികൾ ശിക്ഷിച്ചാൽ ശിക്ഷിയ്ക്കപ്പെട്ടനയാൾക്കു് വ്യവഹാരത്തിനു പോകാവുന്നതാണു്. ഇതുനിമിത്തം രാഷ്ട്രവും മതവുംതമ്മിൽ മത്സരിക്കേണ്ടിവരും. ഇങ്ങിനെയുള്ള അപകടങ്ങളെ ഒഴിപ്പാൻ വേണ്ടിയാണു് കത്തോലിക്കരെ ഈ നിയമത്തിൽനിന്നും ഒഴിവാക്കണമെന്നു പറയുന്നതു്. ഇൻഡ്യാർ സംസ്ഥാനത്തു് സിവിൽ വിവാഹനിയമം ഏർപ്പെടുത്തിയപ്പോൾ കത്തോലിക്കരെ ഒഴിവാക്കണമെന്നു് അവർ ആവശ്യപ്പെട്ടു. അവരുടെ അപേക്ഷ ന്യായമാണെന്നുകണ്ടു് അവിടത്തെ ഗവമ്മെണ്ടു് അതിൽനിന്നും അവരെ ഒഴിവാക്കിയിട്ടുമുണ്ടു്. ഈ വിധത്തിൽ ഞങ്ങളുടെ സഭയിൽ കുഴപ്പമുണ്ടാകാതിരിപ്പാൻവേണ്ടി ഞങ്ങളെ ഇതിൽനിന്നു ഒഴിച്ചാൽ കൊള്ളാം. ഈ ബിൽ അവതരിപ്പിച്ച മെമ്പരുടെ ഉദ്ദേശത്തെ ഞാൻ പഴിക്കുന്നില്ല. അന്തരാഗബന്ധത്താൽ വിവാഹം ചെയ്യുന്നതിനെ കത്തോലിക്കാസഭ തടുക്കുകയില്ല. ബില്ലിന്റെ പരമോദ്ദേശം ജാതിമത വ്യത്യാസം മുഖാന്തിരം വിവാഹത്തിനു തടസ്ഥമുണ്ടാകരുതെന്നാരണല്ലോ. ഞങ്ങളുടെ സഭയുടെ ഉപദേശപ്രകാരം ഒരു പുരുഷനും ഒരു സ്ത്രീയും അന്യോന്യം വിവാഹം ചെയ്യുന്നതിനു സമ്മതിച്ചാൽ അതുതന്നെയാണു് സാക്രമെണ്ടിന്റെ പ്രധാനഭാഗം. The essential part of the sacrament is mutual consent. അതുകൊണ്ടു് കത്തോലിക്കാസഭ ഓരോ കാര്യത്തിൽ മനസ്സാക്ഷിസ്വാതന്ത്ര്യത്തെ തടയുന്നുണ്ടെന്നു് ആരെങ്കിലും വിചാരിയ്ക്കുന്നുണ്ടെങ്കിൽ അതു് അബദ്ധമാണു്.

മുൻപറഞ്ഞ കുഴപ്പങ്ങൾ ഒന്നും ഉണ്ടാകാതിരിപ്പാൻവേണ്ടി കത്തോലിക്കരെ ഇതിൽനിന്നും ഒഴിവാക്കിയാൽ കൊള്ളാമെന്നു മാത്രമേ ഞാൻ പറയുന്നുള്ളു. ഈ സംഗതിയെപ്പറ്റി ആലോചിപ്പാനായി സിവിൽ വിവാഹബില്ലിൽ രണ്ടാമതും സിലക്ടു്കമ്മിറ്റിയെ ഏല്പിയ്ക്കണമെന്നു് ഞാനും അഭിപ്രായപ്പെട്ടുകൊള്ളുന്നു.

Mr. M. K. Raman.—I oppose the amendment. As the Hon'ble Member himself said that no necessity had been made out for the introduction of the bill, I should say that no necessity has been made out for a recommittal of this bill. The principle was accepted by this House when it was introduced. Generally it should be presumed that the principle is accepted when introduction is granted. The grounds alleged now by the Member for Muslims and also by the Member who spoke just before me for exempting the Muslims and Catholics from the operation of this bill, to my mind, are not tenable. Even if they are proper grounds, there is no necessity for a recommittal. These Mem-

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bers can, if necessary, bring amendments. So the object of the recommittal seems to be to flout the bill. I submit there is no ground for a recommittal. It has been sent already to a Select Committee and there is a report before the House. Some Member said that something has taken place in Indore after the report was sent. If that is to be the ground for recommittal, there will be no end for it. Again, something may take place somewhere else. I submit that there is absolutely no ground for a recommittal. The bill may be taken into consideration, and, according to the majority of the opinion of the Members, the bill may be passed or rejected.

Mr. M. A. Chakko.—I rise to oppose the motion for recommittal and wish to bring before this House that the point that was raised by the Hon'ble Member in his dissenting minute is not exactly correct. It is to this affect: "I also understand that not a single marriage has been solemnised after the Christian Marriage Act of Cochin". That is not a fact. I can say that a marriage has been solemnised by me as Marriage Registrar. About the history of the passing of the Civil Marriage Regulation, that measure was necessitated to be passed by this Government, because the Roman Catholic Church put a big portion of the Catholic population under interdict and prevented the proper marriages of His Highness' subjects being solemnised within the portals of the church. It was then brought home to the Government that every individual subject of the State had a right to marry according to law. If the church will not allow it, the State will have to interfere and supply the need. So, I submit it is only when the church did not allow certain privileges of the subjects that the State had to interfere. There is already a Christian Civil Marriage Regulation in force. That will affect the Catholic Church or the followers of the Catholic religion. There is no particular advantage in exempting them from the present bill that is brought by the Hon'ble Member for South Ezhuvas. Then on the point raised by one Hon'ble speaker about what has happened in Indore and other places, I may say it has been admitted by him that the Catholic church allows wide latitude in the selection of a partner in life. The question is, if a true Catholic wants to marry a non-Catholic or non-Christian woman, who is to solemnise the marriage? That question has to be answered. Perhaps the partner who is not a Catholic may have serious objection to go to a Catholic church to have his or her marriage solemnised there. There will be difficulties, and these difficulties have to be overcome before we go on exempting one particular community. A number of individuals, I cannot say how many, may desire to have

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Catholic husbands or wives. If the Catholic church has any rule by which marriage can be solemnised, except in their churches, for uniting a Catholic and non-Catholic, then it would be time for the State to look on and not to interfere. But so long as the Catholic church has made no such provision, I think the State must interfere. There is ample reason to take them also into the purview of the Civil Marriage Bill. For this reason, I oppose the motion.

മിസ്റ്റർ കെ. അയ്യപ്പൻ.—ഈ ബിൽ കമ്മിറ്റിയിൽ വേണമെന്നു് ഭേദഗതി അവതരിപ്പിച്ച ബഹുമാനപ്പെട്ട മെമ്പർ അതിനു കാരണങ്ങൾ ഒന്നും പറഞ്ഞില്ല. ബില്ലിനെ എതിർക്കുക മാത്രമേ ചെയ്തുള്ളൂ. ഞാൻ ഉദ്ദേശിക്കുന്നതു്, വല്ലവിധത്തിലും ഈ ബിൽ ഇങ്ങിനെ നീട്ടിക്കൊണ്ടുപോയി പാസാക്കാതെ ഇരിക്കണമെന്നുള്ളതാണു് അദ്ദേഹത്തിന്റെ അഭിപ്രായമെന്നാണു്. ഇതു നീട്ടിക്കൊണ്ടുപോയാൽ ഇതു പാസാകാൻ വേണ്ടകാലം ഈ നിയമസഭയ്ക്കു് ഇല്ല. ഇനി വരുന്ന ഒരു മീറ്റിങ്ങിൽ എനിയ്ക്കു് വരാൻ തരമായില്ലെങ്കിൽ ബില്ലു് പോയ്പോകും. ഇതെല്ലാമാണു് ഇവരുടെ ഉദ്ദേശം. എന്തെങ്കിലുമാകട്ടെ, ജയിച്ചാൽ ജയിക്കട്ടെ, തോറ്റാൽ തോല്ക്കട്ടെ ഇതു് ഇപ്പോഴുതന്നെ എടുക്കണമെന്നാണു് എന്റെ അഭിപ്രായം. ബിൽ ഒന്നു പരിഷ്കരിപ്പാൻ ഉദ്ദേശിച്ചിട്ടുള്ളതായി ഈ ഭേദഗതി കൊണ്ടുവന്ന മെമ്പർ ഇവിടെ പ്രസ്താവിക്കയുണ്ടായി. എന്നാൽ വാസ്തവത്തിൽ അദ്ദേഹത്തിന്റെ ഉദ്ദേശം എന്നെ തോല്പിക്കണം എന്നുള്ളതാണു്.

കത്തോലിക്കർ ഈ ബില്ലിനെ എതിർക്കുന്നതിന്റെ അർത്ഥം മനസ്സിലാകുന്നില്ല. അവർക്കു് ഒരു സിവിൽ വിവാഹബില്ലുണ്ടു്. അതിനാൽ ഈ ബില്ലുകൊണ്ടു് അവർക്കു് ഒരു പ്രത്യേക പ്രയാസം വരാനില്ല. ഇതിൽ മിശ്രവിവാഹത്തിനു് പഴുതുവെച്ചിട്ടുള്ളതിനൊട്ടു് അവർക്കു് എതിരുവരാൻ ഇടയില്ല. മിശ്രവിവാഹത്തിനു തങ്ങൾക്കു വിരോധമില്ലെന്നു് കത്തോലിക്ക മെമ്പർമാർതന്നെ ഇവിടെ പറഞ്ഞു. ഇങ്ങിനെയൊക്കെയിരുന്നിട്ടും മനസ്സാക്ഷിയുടെ വേണ്ടി കത്തോലിക്കർ ഈ ബില്ലിനെ എതിർക്കുന്നവരെത്ര? അതു വല്ലാത്ത സാക്ഷ്യംതന്നെയാണു്.

ബഹുമാനപ്പെട്ട മുസ്ലിംമെമ്പർ മുസ്ലിം സമുദായത്തെ ഇതിൽ നിന്നും ഒഴിവാക്കണമെന്നുപറഞ്ഞു. സിവിൽ വിവാഹബില്ലു് നടപ്പിലായാൽ അതു മിശ്രവിവാഹത്തിനു് ഒരു സഹായമായിരിക്കും എന്നു വിചാരിച്ചിട്ടാണു് ഞാൻ ഈ ബിൽ കൊണ്ടുവന്നിട്ടുള്ളതു്. അതുകൊണ്ടു് ഇങ്ങിനെ ഓരോ സമുദായങ്ങളെ ഇതിൽ നിന്നു മാറ്റിനിർത്തിയാൽ ഈ ബില്ലുകൊണ്ടു് ഉദ്ദേശിച്ച പ്രയോജനമുണ്ടാകുന്നതല്ല.

Motion for recommittal put and carried.

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Mr. K. Ayyappan.—A poll Sir,

The House divided—Ayes 15, Noes 13 and Neutrals 15.

Ayes.

1.	Mr. A. Eachara Menon	9.	Mr. Paul Mampilli
2.	Dr. A. G. Menon	10.	,, Popatlal Goverdhan Lalan
3.	Mr. Joseph Pettah	11.	,, T. A. Ramachandra Ayyar
4.	,, M. Krishna Menon	12.	Dr. K. Sankara Menon
5.	,, P. Krishna Menon	13.	Mr. A. Sankara Poduval
6.	,, A. I. Mani	14.	Mrs. Swaris
7.	,, K. Mohamed Seethi	15.	Mr. P. C. Virkey.
8.	,, C. A. Ouseph		

Noes.

1.	Mr. K. Ayyappan	8.	Mr. K. T. Mathew
2.	,, M. A. Chakko	9.	,, M. K. Raman
3.	,, K. M. Ibrah m	10.	,, P. Raman Menon
4.	,, E. Ikkanda Warriar	11.	Dr. A. R. Menon
5.	,, P. S. Kesavan Nambudiri	12.	,, A. Sankara Menon
6.	,, T. K. Nayar	13.	,, K. P. Vallon.
7.	,, P. Kumaran Ezhuthassan		

Neutrals.

1.	Mr. K. Achyuta Menon	9.	Mr. I. N. Menon
2.	,, V. K. Aravindaksha Menon	10.	,, T. Narayana Menon
3.	,, C. Barton Wright	11.	,, P. Nilakanta Menon
4.	,, M. P. Cherian	12.	Dr. D. Raghavendra Rao
5.	,, C. N. Ittiravi Nambudiri	13.	Rama Varmha Tampuran
6.	,, U. Kandar Menon	14.	Mr. P. V. Raphael
7.	,, S. S. Koder	15.	,, P. V. Subramania Ayyar.
8.	,, C. J. Mathew		

President.—What was the time given for the original Committee?

Mr. C. J. Mathew.—Three months.

President.—I will give 6 weeks' time to the Committee to report.

Mr. K. T. Mathew.—Sir, may I know whether it is within the powers of this Council to recommit this bill to a fresh Select Committee?

President.—The Law Member will perhaps explain.

Mr. K. Achyuta Menon.—I have only to quote in answer a passage from Mr. Daniel Chanier's Parliamentary Procedure in India:—"The question was then put that the Bill be recommitted to Select Committee and during the debate on that motion a Member suggested adding the names of other members to the Select Committee. The President ruled that this was out of order".

Muslim Succession Bill.

Mr. K. Mohamed Seethi.—Mr. President, Sir, I beg to present the Select Committee Report on the Muslim Succession Bill and move that the bill be taken into consideration.

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